

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 1-4, 6, 8-18, 79 and 82-98 and 101-103) is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants would like to thank the Examiner for his indication that claims 1-4, 6, 8-18, 79, 98 and 101-103 are allowed.

The Examiner rejected claims 82-97 as being indefinite under 35 U.S.C. § 112 because in claim 82 he considered that there was an inconsistency between the language of the preamble and that of the body of the claim. The Examiner felt that the term "a porous metal scaffold" was only functionally recited because of the phrase "for use in an implantable medical device" that immediately followed. It is Applicants intent to claim the combination of a porous metal scaffold and an implantable medical device and thus Applicants have amended claim 82 to delete the words "use in". Thus, the claim clearly recites that the porous metal scaffold is for an implantable medical device. Applicants believe that this has overcome the objection under 35 U.S.C. § 112 raised by the Examiner. However, if this is incorrect, Applicants request that the Examiner contact his attorney to devise acceptable language.

The Examiner then went on to reject claims 99 and 100 as being obvious under 35 U.S.C. § 103 over Park *et al.*, U.S. Patent No. 5,441,919. Applicants have deleted claims 99 and 100 to obviate this rejection.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/071,667

Docket No.: OSTEONICS 3.0-380

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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